

Richard L. Elmore, Esq.
Nevada Bar Number 1405
relmore@hollandhart.com
J. Robert Smith, Esq.
Nevada Bar No. 10992
jrsmith@hollandhart.com
Holland & Hart LLP
5441 Kietzke Lane, Second Floor
Reno, Nevada 89511
775-327-3000 (tel.); 775-786-6179 (facsimile)

Attorneys for Defendant/Third Party Plaintiff Western Thrift & Loan

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PHH MORTGAGE SERVICES, a Delaware corporation, a/k/a PHH MORTGAGE SERVICES, a New Jersey corporation,

CASE NO.: 2:10-CV-001626-JCM-(PAL)

Plaintiff,

vs.

WESTERN THRIFT & LOAN, a Nevada corporation; DOES 1-10; and ROE CORPORATIONS 1-10; and ROE CORPORATIONS 1-10, inclusive.

Defendants.

**STIPULATION AND ORDER TO
DISMISS**

AND RELATED THIRD PARTY CLAIMS

COMES NOW Plaintiff/Counterdefendant PHH Mortgage Services, a Delaware corporation a/k/a PHH Mortgage Services, a New Jersey corporation ("Plaintiff"), and Defendant/Counterclaimant Western Thrift & Loan ("Defendant"), by and through their respective counsel, and hereby stipulate and agree, that all of Plaintiff's claims against the Defendant and all of Defendant's counterclaims against the Plaintiff in the above-captioned action shall be DISMISSED without prejudice, except that all claims arising out of the following loans shall be DISMISSED with prejudice: Powell Loan No. 0028125201 (\$192,000.00); Percival Loan Nos. 0028615540 (\$562,500) and 0026537910 (\$150,000); Walters Loan No. 0030197727 (\$138,800); Ezekwo Loan No. 0028615540 (\$315,000); Stephan Loan No.

1 0031842982 (\$460,000); Moran Loan No. 0041766718 (\$167,930); Brown Loan No.
2 0039562608 (\$192,000); Dearaujo Loan No. 0039347802 (\$290,000); and Weber Loan No.
3 0039726732 (\$680,000). The parties further stipulate and agree that each party shall bear their
4 own attorney's fees and costs.

5 **IT IS SO STIPULATED.**

6 DATED this ____ day of February, 2013.

7 **HOLLAND & HART LLP**

8 By: 
9 Richard L. Elmore, Esq.
10 Nevada Bar Number 1405
11 5441 Kietzke Lane, Second Floor
12 Reno, NV 89511
13 (775) 327-3000
14 *Attorneys for Defendant*

5 **GERRARD, COX & LARSEN**

6 By: 
7 James E. Shapiro, Esq.
8 Nevada Bar No. 7907
9 2450 St. Rose Parkway, Suite 200
10 Las Vegas, NV 89074
11 (702) 796-4000
12 *Attorneys for Plaintiff*

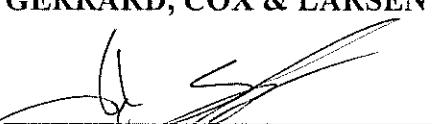
13 **ORDER**

14 IT IS SO ORDERED March 14, 2013.

15 
16 UNITED STATES DISTRICT COURT JUDGE
17 *Dennis C. Mahan*

18 Submitted By:

19 **GERRARD, COX & LARSEN**

20 
21 James E. Shapiro, Esq.
22 Nevada Bar No. 7907
23 2450 St. Rose Parkway, Suite 200
24 Las Vegas, NV 89074
25 (702) 796-4000
26 *Attorneys for Plaintiff*